

JAN 23 2015

A BILL FOR AN ACT

RELATING TO POLICE DEPARTMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Honolulu police
2 department has been heavily criticized by lawmakers and the
3 public in the wake of a September 2014 high-profile incident
4 involving an off-duty Honolulu police department sergeant. The
5 sergeant's actions sparked concern about the way police handle
6 domestic violence cases and triggered an informational briefing
7 at the state capitol, where Honolulu's police chief and two of
8 his deputies were intensively questioned about the Honolulu
9 police department's policies regarding domestic violence
10 investigations.

11 The Honolulu police chief and his deputies told lawmakers
12 at the informational briefing that the Honolulu police
13 department has a zero tolerance policy when it comes to domestic
14 violence and other serious offenses. However, the department's
15 record on disciplining officers for domestic violence-related
16 misconduct was called into question by lawmakers at the
17 briefing.



1 Furthermore, the Hawaii state commission on the status of
2 women has noted that they received approximately thirty-eight
3 separate complaints from women who said officers with the
4 Honolulu police department did not respond appropriately to
5 allegations of abuse. The commission believes that the
6 September 2014 incident involving the off-duty sergeant was not
7 an isolated incident, but rather a pattern of inappropriate
8 handling by some police officers in response to allegations of
9 domestic violence.

10 The legislature questions whether the Honolulu police
11 department is minimizing the problem of domestic violence,
12 particularly when incidents involve a police officer. The
13 legislature also questions whether any potential minimization of
14 alleged incidents of domestic violence involving police officers
15 is based on concern over the Lautenberg Amendment, a federal law
16 that forbids anyone, including a police officer, with a
17 misdemeanor domestic violence conviction from owning or
18 possessing a firearm.

19 The legislature additionally finds that the International
20 Association of Chiefs of Police, in collaboration with the
21 United States Department of Justice, Office on Violence Against



1 Women, has created numerous resources on domestic violence and
2 intimate partner crimes, including various model policies for
3 law enforcement agencies. These model policies are available
4 for free on the International Association of Chiefs of Police's
5 website as a public service. In particular, the International
6 Association of Chiefs of Police Domestic Violence by Police
7 Officers Model Policy focuses on early intervention, incident
8 response, and investigation procedures and has served as a
9 foundation for agencies across the country looking to adopt and
10 implement policies to address this problem.

11 The legislature also finds that the public has a right to
12 know how police officers are expected to respond to domestic
13 violence incidents, including domestic violence incidents
14 involving a fellow officer. As the Honolulu police chief noted
15 to reporters after a September meeting with lawmakers, "[W]here
16 you lose the trust and confidence in an organization like your
17 police department, it is because we are not sharing enough
18 information."

19 Requiring county police departments to post their domestic
20 violence policy, officer-involved domestic violence policy, and
21 standards of conduct online will offer assurances to the public



1 that there are policies in place for responding to these
2 incidents. Posting these policies online will bring additional
3 accountability and transparency to the police departments and
4 ensure that police departments properly enforce the State's
5 domestic violence laws, regardless of the identity of the
6 perpetrator. It is also a particularly important step in
7 restoring the public's trust in the Honolulu police department
8 and in the county police departments as a whole.

9 Accordingly, the purpose of this Act is to require each
10 county police department to post its policies relating to
11 domestic violence, officer-involved domestic violence, and
12 standards of conduct on its official website.

13 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **"§52D- Domestic violence policies; standard of conduct**
17 **policies.** Each county police department shall post its policies
18 relating to domestic violence, officer-involved domestic
19 violence, and standards of conduct on its official website."

20 SECTION 3. New statutory material is underscored.
21



S.B. NO. 388

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Ramon T. Ruiz

Randy de Baker

Jim

Michael

Michelle Fedorini

Shane Mendoza

Elizabeth Oakland

Grace L. Anaya



S.B. NO. 388

Report Title:

County Police Departments; Domestic Violence Policies; Standards of Conduct

Description:

Requires each county police department to post its policies relating to domestic violence, officer-involved domestic violence, and standards of conduct on its official website.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

COMMITTEE ON PUBLIC SAFETY and COMMITTEE ON PUBLIC EMPLOYMENT

Thursday, March 19, 2016, 10:00 a.m., Room Tuesday, February 10, 2015, Room 309
SB 388, RELATING TO POLICE DEPARTMENTS
TESTIMONY

Janet Mason, Co-Chair, Legislative Committee, League of Women Voters of Hawaii

Chairs Takayama and Nakashima, Vice-Chairs Yamashita and Keohokalole and Committee Members:

The League of Women Voters of Hawaii strongly supports SB388 which would require county police departments to post their policies on domestic violence, officer-involved domestic violence and standards of conduct on police department websites. This bill

Not surprisingly this measure has moved through the legislature unamended, because it is a bill, whose underlying purpose is to encourage accountability on the part of our police Departments. Having a clear policy statement is the first step in a process whereby the public can hold the Department to reasonable standards. We're confident this would be a useful, practical step; in fact it's a normal part of good employee management.

We urge you to pass this bill. Thank you for the opportunity to submit testimony.



March 19, 2015

To: Representative Gregg Takayama, Chair
Representative Kyle Yamashita, Vice Chair and
Members of the Committee on Public Safety

To: Representative Mark Nakashima, Chair
Representative Jarrett Keohokalole, Vice Chair and
Members of the Committee on Labor and Public Employment

From: Jeanne Y. Ohta, Co-Chair

RE: SB 388 Relating to Police Departments
Hearing: Thursday, March 19, 2015, 10:00 a.m., Room 309

Position: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of SB 388 Relating to Police Departments which would require each county police department to post its policies relating to domestic violence, officer-involved domestic violence, and standards of conduct on its official website.

Recent events and questions related to those events made apparent the need for transparency of our police departments and for the public to know the policies of police departments relating to domestic violence, and especially those of officer-involved domestic violence. The official websites of the police departments are the logical place to post those policies.

The policies should be available to the public and easy to find. In order to determine if police officers have properly followed policies and procedures, the public must know what they are. Knowing how reports would be handled helps victims know what to expect and whether procedures are being followed.

This measure is a good start to bringing transparency and public confidence in police departments. We respectfully request that the committee pass this measure and we thank the committee for the opportunity to provide testimony.



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: March 17, 2015

To: Rep. Gregg Takayama, Chair
Rep Kyle T. Yamashita, Vice-Chair

COMMITTEE ON PUBLIC SAFETY

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB 388 Relating to Police Departments
Hearing: Thursday, March 19, 2015 10:00a.m., Room 309

Position: **STRONG SUPPORT**

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV supports SB 388 and encourages the committee to pass this bill to ensure transparency between the Honolulu police department and the public. HSCADV recognizes that the overwhelming majority of police officers fulfill their job duties and responsibilities in a effective, professional, and caring manner. However, the officers that currently serve on the police force that do not uphold these standards have caused a significant loss of trust in the Honolulu police department's overall response to domestic violence in the community. Notifying the public about the policies of the department and the responsibilities of the officers that are responding to incidents of domestic violence is critical for rebuilding the trust of the public and improving the overall reputation of the police force.

Posting domestic violence policies, standards of conduct, and officer involved domestic violence online is critical to improving transparency and accountability of the police department.

Marci Lopes,
Executive Director

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 16, 2015 1:32 PM
To: pbstestimony
Cc: wusstig@gmail.com
Subject: *Submitted testimony for SB388 on Mar 19, 2015 10:00AM*

SB388

Submitted on: 3/16/2015

Testimony for PBS/LAB on Mar 19, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kenny Wusstig	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

While this bill seems to only cover the actions taken by police officers in cases of domestic violence (because of media coverage), I think that it should be made broader to reflect actions taken by police officers in any situation that may involve another police officer. My case in point. After 9 yrs. I was finally able to write my own police report and hand it into an officer – one who told me he didn't have time for me when I scheduled an appointment with him after 4 months of nearly pleading with the department and other influential party's to be allowed to have a report drawn up – though because he was not available a police report number was not issued. (which I'll be following up on) This after having a dispatcher deny sending an officer to my home twice; being told not to call the police department unless there was blood (later, I had an officer tell me to call 911 anytime – but when I did, was denied an officer being sent out); told by a uniformed police officer to call 911 again, when I had 3 standing in front of me if I wanted a report on an item that was not solely the cause of why we called them there; agreements that the police officer was not in error for not ticketing a vehicle that was blocking the sidewalk to the road (or for parking near a fire hydrant as the road was not heavily used and while there was a school nearby – just 3 houses down, was not considered a hazard); as well as a number of other items which included when I submitted a email to the department in regards to being told these things, having people stop by in my neighborhood after midnight or just at night to shout about how “this is why no one reports a police officer”, “warning you”, “I'm a police officer, f**k the contract”, “we're police family, why do you think we haven't received a ticket”, “do you know how many of us there are, you go against one officer, you go against them all”, as well as other commentary. (Including which the officer who told me to call 911 again if I wanted to file a police report, coming back on several other nights to visit the neighbors and joke about “this is the police, put your hands up”.) Where the actions of the other party's who were brought here to harass me, were never prosecuted or brought charges against as they say it was part of their “police investigation” – which as they keep saying they're “police” family or otherwise, has to do with the difference with which issues like broken/damaged/harassment cases are handled it seems.

Which in my case, has led to a distrust of not only the department but other factions of the judicial system, as even after submitting a email about my situation and a party of the problem to support another bill, had a female shouting in my neighborhood about how even she would recognize her voice if she heard it. (This being only submitted for the bill at that time)

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 18, 2015 7:01 PM
To: pbstestimony
Cc: jamesjtz@aol.com
Subject: Submitted testimony for SB388 on Mar 19, 2015 10:00AM

SB388

Submitted on: 3/18/2015

Testimony for PBS/LAB on Mar 19, 2015 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments: Apologize for less than 24 hours remaining testimony, but this act is correct in mandating the police department share its policies on domestic violence and officer behaviors with people it is mandated to protect and serve justice!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov